



PLANNING COMMISSION STAFF REPORT SEPTEMBER 14, 2006

Project: FREMONT MASJID ANNUAL REVIEW- (PLN2006-00353)

Proposal: To consider an annual review of Conditional Use Permit PLN2000-00032 for the Fremont Masjid.

Recommendation: Find conformance with Use Permit and determine no further action required.

Location: 1121 Old Canyon Road in the Niles Planning Area.
APN 507-0700-005-01
(See aerial photo next page)

Area: 8,540 square foot existing building on a 0.57-acre lot

People: Anjuman-e-Najmi, Applicant/Owner
Abbas Salim, Agent of Applicant
Scott Ruhland, Staff Planner (510) 494-4453; sruhland@ci.fremont.ca.us

Environmental Review: Categorically exempt from CEQA per Section 15301, Existing Facilities

General Plan: Low Density Residential, 5-7 units per acr

Zoning: R-1-6 (H-I)

EXECUTIVE SUMMARY:

Conditional Use Permit PLN2000-00032 was approved by the Planning Commission on March 23, 2000 to allow an 8,540 square foot religious facility in a residential zoning district. One of the conditions of approval for this project requires an annual review of the Use Permit one year after the Certificate of Occupancy was issued. This certificate was issued on August 6, 2005. Staff has reviewed all the Conditions of Approval for the project, met with the applicant, conducted a site visit and researched permit history for the property. Staff's determination is that the facility is in compliance with their Use Permit and no further action is necessary.



Figure 1: Aerial Photo (2002) of Project Site and Surrounding Area.



SURROUNDING LAND USES:

- North: Single-Family Residential
- South: Single-Family Residential
- East: Railroad Tracks and
- West: Open Space

BACKGROUND AND PREVIOUS ACTIONS:

The religious use of the property predates the City. In 1958, the Planning Commission approved a Use Permit (U-113) to allow the expansion of an existing religious facility and established a maximum capacity of 100 persons. In 1968, the Planning Commission approved a Use Permit (U-68-51) to permit the addition of three classrooms, a nursery and restrooms to the facility, and a Variance (V-68-95) to allow a religious facility on a lot less than one acre in size.

In March, 2000, Conditional Use Permit PLN2000-00032 was granted to construct a new two-story, 8,540 square foot religious facility with a basement on the 0.57 acre lot. A new paved parking lot, street improvements in the form of curb, gutter and sidewalk and 6,000 square feet of landscaping were also installed as part of the project. A grand opening to inaugurate the facility was held in August 2005 soon after the Certificate of Occupancy was issued.

PROJECT DESCRIPTION:

To verify compliance with the Use Permit, Staff conducted the following activities:

- *Researched Zoning and Building Permit History and Compliance* - All permits for the site have been issued and approved or finalized, and the Conditions of Approval for the Use Permit have been fulfilled. The Fire Department recently conducted their first annual fire inspection and they have approved the facility for their Assembly Fire Code Permit.
- *Discussion with other City Departments* – Staff discussions between the Community Development Department, Police Department, Fire Department and the Community Preservation Division have determined there are no outstanding issues.
- *Review of Use Permit Conditions of Approval* – Conditions of Approval for the project have either been complied with or are related to ongoing maintenance of the property.
- *Site Visit and Inspection* – Planning staff conducted a site visit and inspection on August 11, 2006. Site conditions are in good order and the appearance of the facility is clean and well-maintained. Landscaping is starting to mature and also appears well-maintained.

PROJECT ANALYSIS:

General Plan Conformance:

The existing General Plan land use designation for the project site is Low Density Residential, 5-7 units per acre. The proposed project is consistent with the existing General Plan land use designation for the project site because religious facilities are permitted in residential districts. The following General Plan Policy is applicable to the proposed project:

LAND USE POLICY 1.1: The following list of allowed uses in areas designated for residential use is descriptive rather than fully inclusive. Other uses may be allowed which achieve the intent of the plan...
.....Schools, Childcare Centers, Public and Semi-Public Facilities (e.g. churches) and Nursing Care Facilities.

Environmental Review:

This project is exempt from CEQA per Section 15301 of the CEQA Guidelines. This Section allows exemptions for existing facilities.

PUBLIC NOTICE AND COMMENT:

Public hearing notification is applicable. A total of 29 notices were mailed to owners and occupants of property within 300 feet of the site. The notices to owners and occupants were mailed on September 1, 2006. A Public Hearing Notice was published by The Argus on August 31, 2006.

ENCLOSURES:

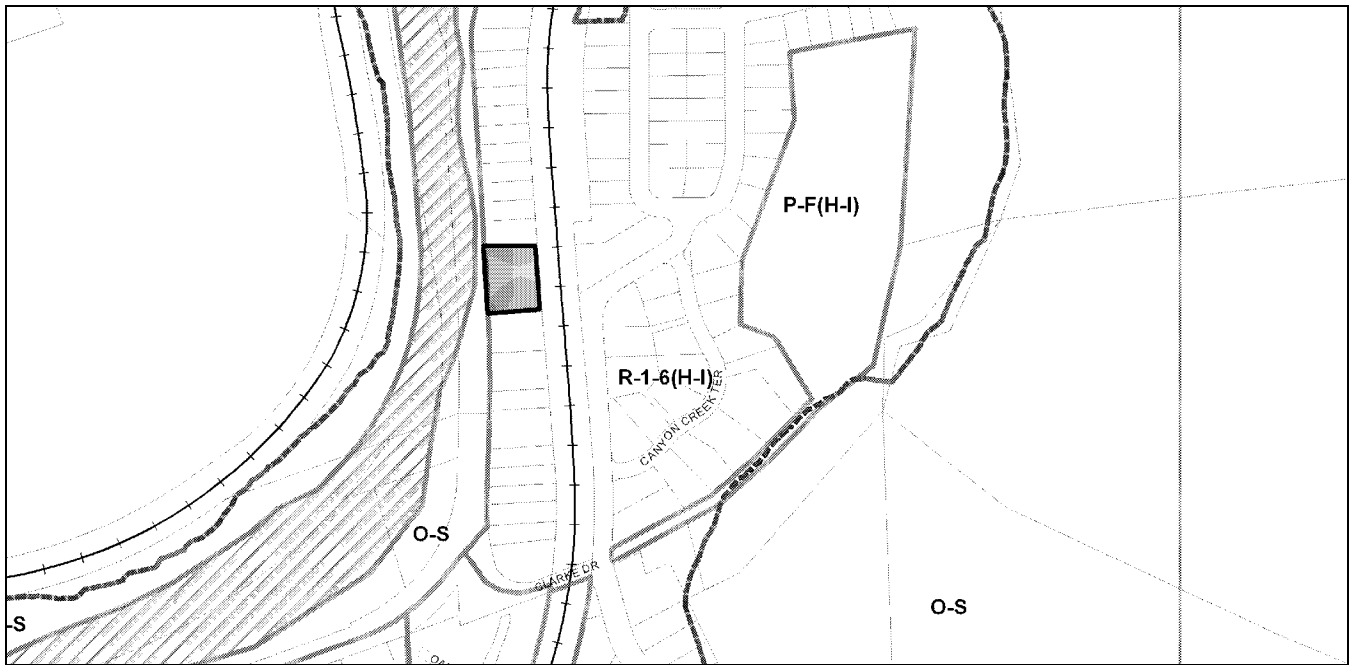
Informational Items:

1. Conditional Use Permit Certificate
2. Letter from applicant

RECOMMENDATION:

1. Hold public hearing.
2. Find Conditional Use Permit PLN2000-00032 is in conformance with the relevant provisions contained in the City's existing General Plan and the Conditions of Approval for the project and determine that no further action is required.

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan

